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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GARG, YOGESH C

ART UNIT PAPER NUMBER

3625

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,109

Applicant(s)

SHIMAMURA, KAORU

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on 2/4/2005 is acknowledged and entered. The applicant has amended claims 1-3, 7-9, 11-14, 16-20, 23, and 24 and canceled claims 21, 22, 25 and 26. Currently claims 1-20, and 23-24 are pending for examination.

Response to Arguments

2.1. Applicant's arguments with respect to rejection of claims 12-19, under 35 USC 101 have been fully considered and are persuasive. The rejection of claims 12-19, under 35 USC 101 has been withdrawn. As explained in his arguments and recited in the preamble of independent claims 12 and 16 the claims are directed to a computer readable medium having a program embedded (recorded) in it and executable by a computer to perform a method, further recited in the body of claims.

2.2. Applicant has not filed any substantive arguments in the amendment, filed on 2/4/2005 with respect to rejection of claims 1-20, 23, and 24, under 35 USC 103 (a) but has remarked that the reasons were discussed in a personal interview with the earlier Examiner Gart on January 25, 2005 (who has since then left USPTO). In view of the earlier Examiner leaving USPTO the application has been transferred to Examiner Garg, the undersigned, for further examination. The examiner did not find any specific reasons being mentioned in the EIN summary conducted on 1/25/2005 as why the prior

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art of Leville et al., nor Ukai et al. either alone or in combination teaches or suggests all the features of independent claims 1, 7, 11, 12, 16, 20, 23, and 24. However, the examiner reviewed the applicant's earlier remarks filed on 6/7/2004 with respect to rejection of independent claims 1, 7, 11, 12, 16, 20, 23, and 24 and found them persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Leville et al. in view of Ying et al. (US Patent 6,853,980) and further in view of Gold et al. (US 2002/0032610 A1).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-10 and 16-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Both the independent claims 7 and 16 recite that the system is intended for purchasing goods which are a variety of font sets but the body of the claims are directed to purchasing elements/characters which can stand alone as separate goods different from the font sets. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In view of the

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foregoing it is unclear if the invention is directed to font sets or some other elements and have rendered the claims indefinite. Since claims 8-10 and 17-19 are dependencies of claims 7 and 16 they also inherit the same deficiency.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leville et al., hereinafter referred to Leville, further in view of Ying et al. (US Patent 6,853,980), hereinafter referred to Ying and further in view of Gold et al. (US 2002/0032610 A1), hereinafter referred to Gold.

Regarding claim 1, Leville discloses a system for selling goods (a merchandising system) through a computer network(Fig 1), where the goods are a variety of elements which are different from each other and are sold one by one and the system comprises a unit storage section host computer 10) storing a unit of the variety of elements according to the number of elements and ranges to each of which a unit is applied (page 7 lines 1821), as well as a detecting section(20) detecting the number of elements to be purchased on the basis of information of one or more elements to be purchased which is received from a purchaser(page 10, lines 8-9) and

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a reading section(10) reading at least one unit corresponding to the elements to be purchased on the basis of the number of elements detected from the unit storage section(page 8 lines 25-27) and a calculating section (20) calculating the purchase price by using the read at least one unit price and the number of elements calculated(page 10 lines 8-9).

Leville does not disclose a system wherein the "goods" denotes a variety of font sets, wherein the font set comprises of elements, element being a character. However, Ying, in the same field of endeavor, that is selling goods on line teaches selling goods denoting a variety of font sets, wherein the font set comprises of elements, element being a character (see at least col.2, line 13-col.3, line 40, col.10, line 14-col.16, line 61). In view of Ying, it would have been obvious to one of an ordinary skilled in the art to modify the system of Leville to incorporate the features of Ying of selling goods denoting a variety of font sets, wherein the font set comprises of elements, element being a character because it will enable the users to sell and purchase fonts online and allow the users to vary the size of his letters to pack text more densely, using a variety of fonts to visually distinguish different parts of the text, for aesthetic use, art decoration, etc., as explicitly suggested in Ying (see at least col.1, line 59-col.2, line 11 and col.2, line 59-col.3, line 5).

Leville discloses a calculating section (20) calculating the purchase price by using the read at least one unit price and the number of elements calculated(page 10 lines 8-9) but combined with Ying does not teach storing plurality of units for each font set, each unit being a price per element corresponding to a range of elements to

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which the font set is to be applied and first calculating section calculating the number of elements belonging to a range to which the read at least one unit is to be applied and a second calculating section calculating the purchase price by using the read at least one unit and the number of elements calculated. However, in the same field of selling and purchasing goods, Gold teaches storing plurality of units for elements, each unit being a price per element corresponding to a range of elements to which the goods being purchased is to be applied and first calculating section calculating the number of elements belonging to a range to which the read at least one unit is to be applied and a second calculating section calculating the purchase price by using the read at least one unit and the number of elements calculated (see at least Figs.1, 2, 3, 7, 9, paragraphs 0010, 0033-0034, 0044-0046, 0053-0062 which describe that a pricing can be generated via a graphical interface in real-time, applying different types of stored business rules, such that conversion factors for different quantity breaks can be used to calculate from stored units, where each unit represent a price per element, that is if the purchase quantity increases the unit price per element falls to a lower level and so on. Thus in order to calculate a final price first calculations are done to determine the range in which the purchased quantity falls and after determining this a second calculation is done using the corresponding unit price for that range to arrive at the purchase price of the elements being purchased. In view of Gold, it would have been obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have modified Leville/Ying to include the features of storing plurality of units for elements, each unit being a price per element corresponding to a range of

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elements to which the goods being purchased is to be applied and first calculating section calculating the number of elements belonging to a range to which the read at least one unit is to be applied and a second calculating section calculating the purchase price by using the read at least one unit and the number of elements calculated. Doing so, as explicitly suggested in Gold (see at least paragraphs 0005-0010) would allow the system in Leville/Ying to automate price management including electronic publication of price tables with step down prices for higher quantities (see Fig.7) as per the prescribed management policies to motivate buyers to purchase large quantities of goods, that is elements of font sets.

Regarding claim 2, Leville/Ying/Gold teaches a system comprising a purchase record storage section(see Leville-10) storing the number of elements purchased in the past(page 7 lines 2122)(purchasing history) and an addition section(see Leville 10) reading the number of elements purchased in the past from the purchase record storage section where the number of elements is detected by the detecting section and adding the read number to the detected number, wherein the reading section reads at least one unit applied to the element to be purchased from the unit storage section by using a result of addition by the addition section(see Leville, page 7 lines 12-25) the computer(see Leville -10) analysis adds the elements purchased in the past to the elements to be purchased to determine the price to be offered.

Regarding claims 3 and 6, Leville/Ying/Gold discloses further comprising a

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data storage section storing data sets and a creating section creating a supply file including data corresponding to information of the elements to be purchased by using the set of data stored in the storage section as well as a supplying section supplying the created supply file to the purchaser and that the set of data represents sentences divided every predetermined range, wherein the data represents the range constructing sentences (see at least Ying col.2, line 21-col.3, line 6 and col.30, line 30-col.31, line 4). In view of Ying, it would have been obvious to one of an ordinary skilled in the art to modify the system of Leville to incorporate the features of Ying of selling goods denoting a variety of font sets, wherein the font set comprises of elements, element being a character, section storing data sets and a creating section creating a supply file including data corresponding to information of the elements to be purchased by using the set of data stored in the storage section as well as a supplying section supplying the created supply file to the purchaser and that the set of data represents sentences divided every predetermined range, wherein the data represents the range constructing sentences because it will enable the users to sell and purchase fonts online and allow the users to vary the size of his letters to pack text more densely, using a variety of fonts to visually distinguish different parts of the text, for aesthetic use, art decoration, etc., as explicitly suggested in Ying (see at least col.1, line 59-col.2, line 11 and col.2, line 59-col.3, line 5).

Regarding claim 4, Leville/Ying/Gold teaches a system wherein the receiving section(see Leville,10) receives a supply file further including information on past purchases by the purchaser.

Regarding claim 5, the limitation that the set of data is a font set data and that a piece of the data is font data as an element of the font set data is already covered in claim 1 analyzed above.

Regarding claims 7-20 and 23-24, their limitations are closely parallel to the limitations covered in claims 1-6 above except for the limitations of a transmitting section transmitting information of one or more elements to be purchased to a seller, a receiving section receiving a price of the element to be purchased which is calculated by using at least one unit of an element determined on the basis of the number of elements to be purchased and a range to which the unit is applied and a display controlling section for displaying the received prices. Leville discloses all these limitations: a transmitting section(17) transmitting information of one or more elements to be purchased to a seller and a receiving section(170) receiving a price of the element to be purchased which is calculated by using at least one unit of an element determined on the basis of the number of elements to be purchased and a range to which the unit is applied and a display controlling section(17) displaying the received price onto a display. Therefore, claims 7-20 and 23-24 are also rejected as being unpatentable over Leville/Ying/Gold as analyzed as above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,882,344 to Hayes et al. (see at least col.8, line 41-col.10, line 34) and US Patent 5,646,992 (see at least col.1, line 30-col.5, line 34 and Figs.1-27) discloses/suggests a method and system for purchasing a variety of font sets online using a client-server architecture via a communication network.

(ii) US Publication 2001/0047312 to Verchere discloses a method and system for storing a plurality of unit prices per element corresponding to a range of elements, detecting the number of elements to be purchased, reading at least one unit price corresponding to the elements to be purchased, first calculating the number of elements belonging to a range to which the read at least one unit is to be applied and a second calculation for calculating the purchase price by using the read at least one unit and the number of elements being purchased (see at least fig.4, 6a, , 8,10a, 12a, paragraphs 0039-0049).


(iii) Article, " Bitstream releases its first set of fonts from theDesigners Holly Goldsmith and John Denver"; Business/Technology Editors; Business Wire; New York; Sep 19, 2000; extracted from Proquest Database on 6/20/2005 discloses websites selling fonts.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
June 21, 2005